(Space above reserved for recording)

ORDINANCE 2019-14
CITY OF KUNA, IDAHO

ORDINANCE AMENDING THE EXTERIOR BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM [Biltmore Company LLC. real property]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS; and**
- **ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S BILTMORE COMPANY LLC.; AND**
- **DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and**
- **DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and**
- **DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and**
- **PROVIDING AN EFFECTIVE DATE.**

The City Council findings: The City Council makes the following findings of its authority, purpose and the history of the enactment of this ordinance:

1.1 The City of Kuna has established and operates, as authorized by Title 50, Chapter 18, Idaho Code, a municipal irrigation system, known and referred to as *Kuna Municipal Irrigation System* (the "KMIS"); and

1.2 Commencing with the establishment of the KMIS and with every additional real property enlarging KMIS, the City Council has passed and enacted an ordinance pursuant to Idaho Code Section 50-1832 describing and enlarging the exterior boundaries of KMIS; and

1.3 It is the intention of the City Council to include that certain real property identified by the Ada County Assessor's office as Biltmore BILTMORE COMPANY LLC. [legally described in **Exhibit A** attached to this Ordinance and by this reference incorporated herein] (the "SUBJECT REAL PROPERTIES") within the boundaries of KMIS and which SUBJECT REAL PROPERTIES are depicted on the attached **Exhibit B** Location Map; and

1.4 It is therefore necessary as required by Idaho Code Section 50-1832 to approve and enact this Ordinance in order to include the Subject Real Properties within the boundaries of KMIS.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, Ada County, Idaho, as follows:

Section 1: The boundaries of the Kuna Municipal Irrigation System are enlarged by the inclusion of the SUBJECT REAL PROPERTIES and the boundaries thereof are adjusted accordingly, said SUBJECT REAL PROPERTY being described as follows in **Exhibit A** attached hereto this Ordinance.

Section 2: Declaring the water rights appurtenant thereto are hereby pooled for delivery purposes.

Section 3: The City Clerk is hereby directed to record, in the office of the recorder for Ada County, a certified copy of this ordinance as required by Section 50-1832, Idaho Code.

Section 4: The City Engineer is hereby directed to give notice of this action by forwarding a certified copy of this Ordinance to Boise~Kuna Irrigation District, the owner of the SUBJECT REAL PROPERTIES and to update the official City map of the exterior boundaries of KMIS.

Section 5: Effective Date: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

DATED this 7th day of May 2019.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

CITY OF KUNA CORPORATE SEAL STATE OF IDAHO

EXHIBIT A

LEGAL DESCRIPTION FOR WATER RIGHTS ON BILTMORE COMPANY LLC.

A parcel of land located in the SW1/4 of the SE1/4 of Section 14, T.2N., R.1W., B.M., Kuna, Ada County, Idaho more particularly described as follows:

Commencing at the S1/4 corner of said Section 14 from which the SE corner of said Section 14 bears South 89°51'38" East, 2642.75 feet;

thence along the South boundary line of said Section 14 South 89°51'38" East, 685.47 feet;

thence leaving said South boundary line North 00°03'09" East, 25.00 feet to an angle point in the exterior boundary line of Saratoga Subdivision as filed in Book 76 of Plats at Pages 7878 through 7879, records of Ada County, Idaho, said point also being the **REAL POINT OF BEGINNING**;

thence along the exterior boundary line of said Saratoga Subdivision the following 2 courses and distances:

thence North 00°03'09" East, 323.00 feet;

thence South 89°51'38" East, 636.00 feet to a point on the West boundary line of DeerHorn Subdivision No. 1 as filed in Book 79 of Plats at Pages 8506 through 8508, records of Ada County, Idaho;

thence along said West boundary line South 00°03'09" West, 323.00 feet to a point on the North right-of-way line of W. Deer Flat Road;

thence leaving said West boundary line and along said along said North right-of-way line North 89°51'38" West, 636.00 feet to the **REAL POINT OF BEGINNING**. Containing 4.72 acres, more or less.

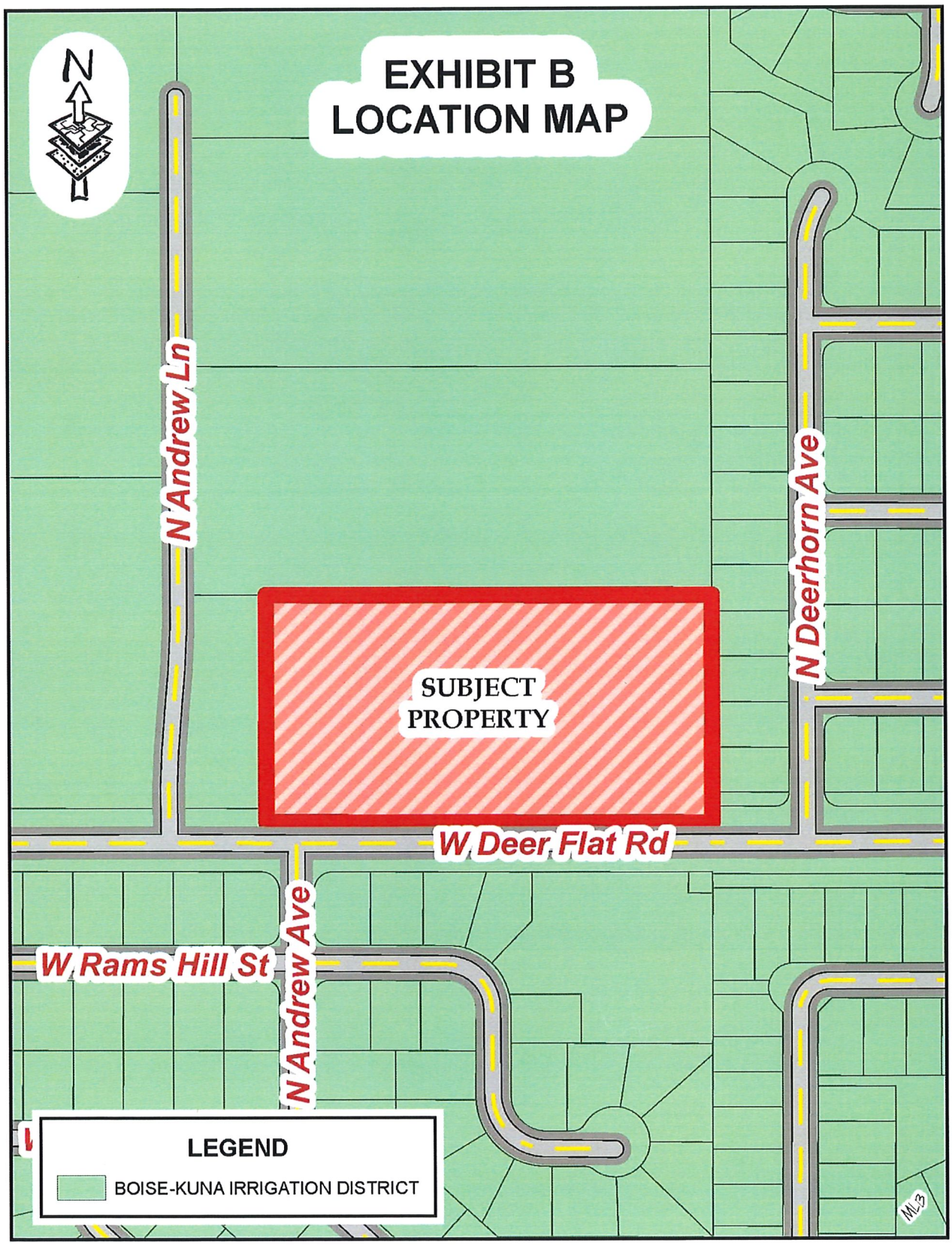
EXHIBIT B
LOCATION MAP
N
N Andrew Ln
N Deerhorn Ave
SUBJECT
PROPERTY
W Deer Flat Rd
N Andrew Ave
W Rams Hill St
LEGEND
BOISE-KUNA IRRIGATION DISTRICT